



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,583	12/10/2001	Giorgio Barzaghi	Q67651	3491

7590

08/09/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

KNOLL, CLIFFORD H

ART UNIT

PAPER NUMBER

2112

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,583

Applicant(s)

BARZAGHI ET AL.

Examiner

Clifford H. Knoll

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to communication filed 5/23/2005.

Currently claims 1-14 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. *Claims 13-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.*

The language of the claims raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Both claims recite performing "steps of the method"... "when said program is run on a computer" which does not positively recite that the program is run or the method performed, but merely recites performing *when* the program is run. Thus the recitation fails to clearly establish the limitation of the claimed method to be an integral part of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. *Claims 1-9, 11, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ludtke (US 6496860 B2).*

Regarding claims 1 and 11, Ludtke discloses the method and the apparatus of two or more control units (e.g., col. 3, lines 39-44, "12","13") connected to a master controller (e.g., col. 5, lines 21-24, "media manager") through a common bus (e.g., col. 4, line 42, "IEEE 1394-1395 bus interface and functionality support"), the method comprising the steps of controlling the peripheral units (e.g., col. 3, lines 39-51, "allowing the video cassette recorder to send data to the computer 14 for display"), where each control unit submits information concerning data consumed and provided for, to the master control (e.g., col. 3, lines 32-37, "[i]f a conversion is necessary..."; or col. 9, lines 17-20, "events generated by the device go ... to the event manager 62" teach "information concerning..."), and spontaneously sends a message over the bus

Art Unit: 2112

whenever data provided varies (e.g., col. 10, lines 24-27, "new_device" or "user interaction" event).

Regarding claim 2, Ludtke also discloses submitting information comprises the step of each control unit transmitting a structure of its own message of information provided (e.g., col. 9, lines 17-20, "events generated by the device go ... to the event manager 62").

Regarding claim 3, Ludtke also discloses assigning a suitable address to each control unit (e.g., col. 1, lines 60-61, "unique address"; col. 5, lines 45-46, "address of destination").

Regarding claim 4, Ludtke also discloses the spontaneously sending a message comprises a first portion comprising information concerning the control unit that has detected a data variation (e.g., col. 10, lines 24-27, "user interaction"), and information concerning control units that will consume the data in the sent message (e.g., col. 10, lines 2-6, "token value").

Regarding claim 5, Ludtke also discloses where the information concerning the control units that will consume the data comprise a logic address for representing a group of control units consuming the same data item (e.g., col. 9 line 66 – col. 10, line 6; col. 10, lines 21-23, device registration and subsequent invocation constitutes a logic address for each control unit in the group).

Regarding claim 6, Ludtke also discloses a counter provided to each control unit that counts forward at each message sent (e.g., col. 5, lines 47-48, where the time stamp constitutes provision of a counter)

Art Unit: 2112

Regarding claim 7, Ludtke also discloses writing the value of said counter into every message that is sent by said each control unit (e.g., col. 5, lines 47-48, "time stamp").

Regarding claim 8, Ludtke also discloses the sending message has a control bit to control regularity (e.g., col. 11, lines 4-8, "consistent notification mechanism to inform the client application when [isochronous] data is available for processing").

Regarding claim 9, Ludtke also discloses disabling the master controller after having established the communication between said control units (e.g., col. 11, lines 43-60 discusses the establishment of communication in term of a flowchart (Figure 5). If the destination is on the topology map then "bridging" is unnecessary, and if conversion is not needed, then the format converter is unnecessary, thus disabling the master controller as the intermediary).

Regarding claims 13 and 14, Ludtke also discloses the program code and the medium with the program thereon, adapted to perform the steps of the method of claim 1 (e.g., col. 5, lines 22-24; col. 9, lines 56-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

Art Unit: 2112

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. *Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke as applied in respective parent claims, in view of Zintel (US 6779004 B1).*

Regarding claims 10 and 12, Ludtke discloses a device manager and event notification system for the devices, but does not expressly mention its application for radio link devices; however Zintel discloses this. Zintel discloses where the peripheral devices are for receiving, transmitting and processing signals in radio link systems (e.g., col. 45, lines 55-67, "device 900 includes a network adapter 908 ... appropriate to the particular network media 910 ... [which] can be any of various wired or wireless network media"). It would have been obvious to one of ordinary skill in the art to combine Zintel with Ludtke because Zintel expands the application of Ludtke's device management and event notification to include devices that process signals in radio link system, thus increasing the functionality and connectivity of the devices that are managed (e.g., col. 1, lines 27-40).

Response to Arguments

Applicant's arguments filed 5/23/2005 with respect to the rejections of the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark (US 6925513 B1) teaches spontaneously sending a message over a common bus (e.g., col. 4, lines 9-22; Figure 4) as per claim 1, with a logic address for representing a group of control units (e.g., Figure 5) as per claim 5. Weisshaar (US 6895444 B1) teaches message sending (e.g., col. 4, lines 10-13) and spontaneously sending a message over a common bus (e.g., Fig. 7, "254"). Capowski teaches spontaneously sending messages (e.g., col. 2, lines 4-14).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H. Knoll whose telephone number is 571-272-3636. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2112

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk

A handwritten signature in black ink, appearing to read "Cliff Snell". The signature is written in a cursive, flowing style with a large, stylized initial "C".